

REMARKS

In the Office Action dated March 13, 2007, claim 1 was rejected under Section 102(e) as being anticipated by Bohn et al. Claims 2 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bohn et al in view of Roesner. Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bohn et al in view of Roesner, further in view of Sheffet. Claims 5-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bohn in view of Everett. Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bohn in view of Everett, further in view of Sheffet.

In response, the subject matter of claims 6 and 7 has been embodied in independent claim 1, and accordingly, claims 6 and 7 have been cancelled. Therefore, the only rejection that must be addressed herein is the rejection of original claims 5-7 under 35 U.S.C. §103(a) as being unpatentable over Bohn et al in view of Everett. This rejection of original claims 6 and 7, now applicable to amended independent claim 1, is respectfully traversed for the following reasons.

In substantiating the rejection of original claim 1 as being anticipated by Bohn et al, the Examiner stated no patentable weight was being given to the statement in the preamble regarding the use of the claimed device for controlling a hearing device. Applicant acknowledges that simply reciting use with a hearing device in the preamble of an independent claim does not necessarily limit that claim to the environment of a hearing device, unless structure is affirmatively claimed in the claim that is consistent with the use of the claimed device for the aforementioned purpose, namely for controlling a hearing device. Applicant submits that the subject matter of original claims 6 and 7, now embodied in independent claim 1, although not

necessarily restricted to use or efficacy in the environment of a hearing device, nevertheless represents structure that facilitates miniaturization, and therefore represents a structural limitation that is relevant to any type of device wherein miniaturization is an important structural and operational feature, such as a hearing device.

Moreover, unless a circuit designer already has the goal in mind of such miniaturization, there is no reason to construct a circuit as set forth in amended independent claim 1. The goal of miniaturization is achieved by the circuitry and structure set forth in amended independent claim 1 by virtue of almost every one of the claimed elements serving or performing a dual function, thereby reducing the total number of overall components. Reducing the total number of overall components not only achieves the goal of miniaturization by making the space occupied by the components smaller, but also reduces power consumption by the components, thereby permitting the use of a smaller battery.

In the subject matter of amended independent claim 1, both coils use the same core, and the receiver circuit, in addition to the signal receiving function, performs the further function of operating as an oscillator circuit coil. Moreover, the reception device includes a reception oscillator circuit, so that the energy consumption for reception is reduced.

Moreover, since the receiver coil is also used for transmission, the aforementioned goal of miniaturization is further advanced by providing a correction capacitor that corrects the frequency of the reception oscillator circuit if and when the frequency of the oscillator circuit deviates from the resonant frequency thereof. This

capacitor also performs a further function of serving as a protective component for protecting the receiver, as described at page 6, lines 3-7 of the present specification.

Therefore, virtually every component of the remote control device of claim 1 has a double function.

Such multi-utilization of the claimed components is not disclosed or suggested in the Bohn et al or Everett references. The Examiner has correctly identified a number of components in the Bohn et al reference that correspond to the components set forth in original claim 1, as well as different (separate) components that correspond to the individual components that were set forth in original claims 6 and 7. Neither of those references, however, discloses or suggests interconnection of those components with each other in the manner set forth in independent claim 1, that allows the aforementioned dual functions to be achieved. Applicant recognizes that it would not be possible to differentiate the subject matter of claim 1 from the prior art by simply stating in claim 1 that the device is "miniaturized," because such a description would be a relative term. Nevertheless, by claiming circuitry and structure that accomplish the aforementioned dual functions of almost every component, the *capability* for miniaturization is achieved in the device of claim 1, and such capability is not present, and is not achieved, in the disclosures of the individual references relied upon by the Examiner. Therefore, even if the Bohn et al reference were modified in accordance with the teachings of Everett, this would simply mean that the individual, discrete components disclosed in the Everett reference would be *added to* the individual, discrete components disclosed in the Bohn et al reference. There is no teaching or suggestion in either of those references to undertake a modification of the Bohn et al reference by which the components of the Everett

reference would be incorporated therein so as to be capable of achieving the dual functions that are explicitly set forth in claim 1.


Therefore, not only is there no motivation to modify the Bohn et al circuit in accordance with the teachings of Everett in order to (allegedly) arrive at the subject matter of amended independent claim 1, but also even if such a modification were undertaken, Applicant submits that the subject matter of claim 1 still would not result without further teaching or guidance, which can be found only in Applicant's disclosure.

Claim 1, therefore, would not have been obvious to a person of ordinary skill in the field of remote control design, and particularly form miniaturized remote control design, under the provisions of 35 U.S.C. §103(a), based on the teachings of Bohn et al in view of Everett.

The above arguments are also applicable to the rejection of claims 2, 3, 4 and 8, wherein further references were relied upon in addition to the Bohn et al reference by itself, or Bohn et al in combination with Everett. Even if the Examiner's statements regarding the teachings of those further individual references are correct, modification of the Bohn et al/Everett combination in accordance with those further teachings still would not result in the subject matter of any of the aforementioned dependent claims, all of which embody the subject matter of amended independent claim 1 therein.

Applicant therefore submits that all claims of the application are in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

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